IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SIGHTSOUND TECHNOLOGIES, INC.,))
Plaintiff,))
v.	CIVIL ACTION NO. 04-1549
ROXIO, INC., and NAPSTER, L.L.C.,	JUDGE DONETTA W. AMBROSE
Defendants.))
))
ROXIO, INC., and NAPSTER, L.L.C.,))
Counter-Plaintiffs,))
v.))
SIGHTSOUND TECHNOLOGIES, INC. and SCOTT SANDER,)))
Counter-Defendants.)))

<u>PLAINTIFF'S MOTION FOR LEAVE TO AMEND</u>

I, Anne Marie Nicpon, declare:

1. I am an attorney with the law firm of Arnold & Porter, LLP, and am licensed to practice law in the State of California. I am counsel for Plaintiff SightSound Technologies, Inc. in the above-captioned action. I make this declaration in support of Plaintiff's Motion for Leave to Amend. I have personal knowledge of the facts set forth below, and if called as a witness, I could and would testify competently thereto.

- When the complaint against Defendants was filed on October 8, 2004,
 SightSound Technologies, Inc. was the sole assignee and had full right and title to the patents-insuit.
- 3. SightSound Technologies, Inc. executed a patent assignment agreement with DMT Licensing, LLC ("DMT") on November 10, 2005. The agreement states that the assignor conveyed all of its right, title and interest throughout the world in, to and under the Patents to DMT. The assignment included the right to sue for and collect upon all claims for profits and damages as a result of future or past infringement. The United States Patent and Trademark Office recorded the assignment on December 26, 2005.
- 4. On August 24, 2011, DMT executed an agreement conveying all of its right, title and interest throughout the world in, to and under the Patents to SightSound Technologies, LLC. The assignment and license agreement included the right to sue for and collect upon all claims for profits and damages as a result of future or past infringement. Counsel for SightSound Technologies, LLC has submitted notice of the assignment to the US PTO.
- 5. On December 23, 2011, attorneys for defendants communicated through email that they did not and would not oppose SightSound's Motion for Leave to Amend.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on December 23, 2011 at Palo Alto, California.

/s/ Anne Marie Nicpon
Anne Marie Nicpon